

**FLATHEAD COUNTY BOARD OF ADJUSTMENT
MINUTES OF THE MEETING
FEBRUARY 2, 2021**

**CALL TO ORDER
6:07 PM**

A meeting of the Flathead County Board of Adjustment was called to order at approximately 6:00 p.m. via Zoom. Board members present were Ole Netteberg, Tobias Liechti, Cal Dyck, Gina Klempel, and Roger Noble. Mark Mussman and Erin Appert represented the Flathead County Planning & Zoning Office.

There were 2 members of the public in attendance.

**APPROVAL OF
MINUTES
6:08 PM**

Noble motioned, seconded by Klempel, to approve the January 5, 2021 minutes as written.

The motion passed unanimously on a roll call vote.

**ELECTION OF
OFFICERS FOR
CHAIRMAN
6:09 PM**

Noble motioned, seconded by Netteberg, to appoint Dyck as Chairman of the Board of Adjustment.

**ROLL CALL VOTE FOR
ELECTION OF
CHAIRMAN
6:09 PM**

Motion passed unanimously on a roll call vote

**ELECTION OF
OFFICERS FOR
VICE-CHAIRMAN
6:10 PM**

Netteberg motioned, seconded by Klempel, to appoint Noble as Vice-Chairman of the Board of Adjustment.

**ROLL CALL VOTE FOR
ELECTION OF VICE-
CHAIRMAN
6:10 PM**

Motion passed on a 4-1 roll call vote. Noble abstained.

PUBLIC COMMENT
(Public matters that are within the jurisdiction of the Board 2-3-103 M.C.A)
6:10 PM

Noble referenced the recently approved policy from the Flathead County Health Department Open Meeting Policy and wanted to discuss the BOA adopting the same so that they could resume meeting in person. Mussman suggested amending the policy to state Board of Adjustment instead of Flathead County-City Health Department. They discussed adopting the policy as well as future preparations to move forward with in-person board meetings, including having Zoom being an option.

**MOTION TO ADOPT
POLICY TO RESUME IN
PERSON MEETINGS**
6:15 PM

Netteberg motioned, seconded by Klempel, to adopt a policy in order to resume in person meetings.

**ROLL CALL TO ADOPT
POLICY TO RESUME IN
PERSON MEETINGS**
6:15 PM

Motion passed unanimously on a roll call vote.

**DISCLOSURE OF ANY
BOARD CONFLICT OF
INTEREST**
6:16 PM

Liechti disclosed that he would need to recuse himself from FCU-20-17 as the subject property was within the AP Williams Water District, which was owned by his company and he was an operator involved in the water system.

**SWAN PEAK
PROPERTIES, LLC
(FCU-20-17)**
6:17 PM

A request by Swan Peak Properties, LLC for a conditional use permit for a drive-through coffee stand to be located at 43 Woodland Park Drive, Kalispell MT within the Willow Glen Zoning District. The property is zoned B-1 (Neighborhood/Professional Business) and the total acreage involved in the request is approximately 1.295 acres.

STAFF REPORT
6:17 PM

Erin Appert reviewed the Staff Report FCU-20-17 for the board.

BOARD QUESTIONS
6:19 PM

Klempel wondered if there was any feedback from the city. Staff said they had not submitted any comments to date.

**APPLICANT
PRESENTATION**
6:20 PM

John Snyder, 28529 Star Lane, was one of the partners in the application and was available for questions. He said there had been a coffee stand there for over 5 years and they intended to replace it with a better facility. He has worked with Planning and Zoning to meet the requirements. He discussed the access in detail. Their plan was to put a boulevard with grass along Woodland Park Dr. that would make it safer and better to look at. They were trying to improve the

safety as well as the esthetics of the area.

BOARD QUESTIONS
6:22 PM

Noble asked him to elaborate on the grass boulevard and traffic control structure. Snyder explained their ideas in detail. He was open to other ideas as well.

Netteberg asked about the employee parking on site. Netteberg pointed out that the applicant would need to educate people on how to enter and exit the premise. Snyder said, pending on sign regulations, he had thought about using a sign to direct traffic.

Noble asked about the 50 foot wide gap in the landscaping buffer between the corner of Shady Glen Drive and heading south along Woodland Park Drive. Snyder stated the entire area will be covered in grass, contrary to the site plan. They discussed this in detail.

Klempel asked if he had received any of the needed approach permits. Snyder had not. Netteberg pointed out that it was one of the conditions. Snyder was not aware of the conditions but agreed that it made sense.

PUBLIC COMMENT
6:29 PM

None

BOARD DISCUSSION
6:30 PM

Netteberg wondered why the applicant had not seen the staff report with the conditions. The board secretary explained that the report had been sent, via USPS, on December 22, 2020. Snyder explained that he had gone out of state and it must not have been forwarded to him.

Dyck read the conditions of approval to Snyder and for the record. Snyder said he was happy to adhere to the requirements.

Noble asked for clarification on Condition #2 and stated the site plan and the testimony from the applicant are not consistent. Referenced Condition #4 and stated he thinks the parking and driving areas should be paved.

Netteberg clarified that Noble felt it should be paved or a dust retardant used. Noble felt that it should be paved.

Klempel asked whether anyone else used the access road or if it was only used by the property owner. Snyder explained Shady Glen Drive was paved and there was an empty lot across from the subject property. He was not familiar with properties

farther down the road.

Dyck wondered if the alleys, between the storage units, were paved or graveled. Snyder confirmed that it was gravel.

Netteberg wondered if Noble already made an amendment and Noble said he planned on adding a condition to cover that. They continued discussion of the wording of condition #14.

**MAIN MOTION ON TO
ADOPT F.O.F.
(FCU-20-17)
6:47 PM**

Netteberg made a motion, seconded by Klempel, to accept Staff Report FCU-20-17 as Findings-of-Fact.

**ROLL CALL VOTE TO
ADOPT F.O.F.
(FCU-20-17)
6:47 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO AMEND
CONDITIONS
6:49 PM**

Noble motioned, seconded by Klempel, to amend conditions #4 and add condition #14 as follows:

4. All required parking and circulation associated with the drive-through coffee stand shall meet the applicable design guidelines set forth in the zoning regulations requiring adequate drainage, parking space delineation, and a graded, stabilized, dust-free surface that is ~~either treated with dust retardant or~~ paved [FCZR 6.13.010]

14. A contiguous boulevard will extend from Shady Glen Drive southward and be constructed to the dimensions presented on the site diagram.

**ROLL CALL TO AMEND
CONDITIONS
6:49 PM**

Motion passed unanimously on a roll call vote.

**MOTION TO APPROVE
(FCU-20-17)
6:50 PM**

Noble made a motion, seconded by Netteberg, to approve FCU-20-17.

**ROLL CALL TO
APPROVE WITH
CONDITION
AMENDMENTS
(FCU-20-17)
6:50 PM**

Motion passed unanimously on a roll call vote.

**OLD BUSINESS
6:52 PM**


None

**NEW BUSINESS
6:52 PM**

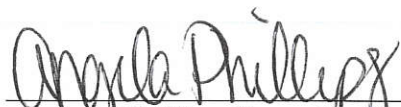
None

**ADJOURNMENT
6:52 PM**

The meeting was adjourned at approximately 6:52 pm on a motion by Netteberg. The next meeting will be held at 6:00 pm on April 6, 2021.



Cal Dyck, Chairman



Angela Phillips, Recording Secretary

APPROVED AS SUBMITTED/CORRECTED 4/6/2021